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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

RICKY LOVE,

Defendant and Appellant.

D048742

(Super. Ct. No. SCD195563)

APPEAL from a judgment of the Superior Court of San Diego County, David J. Danielsen, Judge. Affirmed.

Ricky Love entered a negotiated guilty plea to transporting a controlled substance (Health & Saf. Code, § 11352, subd. (a)) and admitted a prior strike conviction allegation (Pen. Code, § 667, subds. (b)-(i)).¹ The court sentenced him to prison for a six-year term: double the three-year middle term for transporting a controlled substance with a prior strike conviction. The court awarded 32 days credit for time served: 22 actual days

and 10 days' section 4019 credit. Love contends the trial court erred in not awarding him one additional day credit for time served.

FACTS

At approximately 9:45 p.m. on December 12, 2005, a San Diego police officer saw Love driving in the 1600 block of 49th Street. Love stopped and the officer contacted him. On Love's person the officer found a plastic bag containing 4.8 grams of cocaine base, more than for personal use. Love was arrested in the evening of December 12, and booked into jail at 12:48 a.m. on December 13. Because Love raises only an issue regarding credit for time served we need not recite the facts in greater detail.

DISCUSSION

Love contends the trial court erred by awarding credit for 22 rather than 23 actual days in custody. He argues the court erred by not awarding credit for the day of his arrest, December 12, because he was not booked into custody until early in the morning on December 13. We are not persuaded by Love's contention that the trial court erred by commencing credit for actual time he served in custody on the day he was booked into jail, not the day of his arrest.

When a defendant is sentenced following a conviction, the defendant is entitled to receive credit for time spent in a jail, camp, or "similar residential institution" before the sentence is imposed. (§ 2900.5.) Custody credits are awarded for the time the defendant is in custody in a residential institution before sentencing. The term "custody," as that

¹ All further statutory references are to the Penal Code.

term is applied in *Miranda v. Arizona* (1966) 384 U.S. 436), is inapplicable in determining credit for time served under section 2900.5. (See *People v. Ravaux* (2006) 142 Cal.App.4th 914, 919-921.)

Here, the trial court properly awarded credit for time served because credit for time served commences on the day a defendant is booked into jail. (*People v. Ravaux, supra*, 142 Cal.App.4th 914, 919-920.) Love argues *Ravaux* was wrongly decided and requests we revisit and not follow that authority. However, we conclude that case was properly decided and decline Love's invitation to reach a contrary result. The trial court did not err in awarding Love credit for time served.

DISPOSITION

The judgment is affirmed.

McDONALD, J.

WE CONCUR:

HUFFMAN, Acting P. J.

O'ROURKE, J.